

Message Text

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PAGE 01 STATE 067696

13

ORIGIN EB-11

INFO OCT-01 AF-10 NEA-10 ADP-00 DOTE-00 L-03 RSC-01 /036 R

DRAFTED BY EB/ OA/ AVP: CHDUDLEY: JO

4/11/73 EXT. 29462

APPROVED BY EB/ OA/ AVP: JASILBERSTEIN

NTSB - MR. DOYLE

AF/ NI - MR. LOUGHRAN

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FM SECSTATE WASHDC

TO AMEMBASSY LAGOS

INFO AMEMBASSY AMMAN

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E. O. 11652: N/ A

TAGS: ETRN, ASAF, NI, JO

SUBJECT: KANO AIRCRAFT ACCIDENT HEARING

1. REQUEST EMBASSY ADVISE JUDGE BELLO THROUGH DAVID WEST, PRINCIPAL STATE COUNCIL, FEDERAL MINISTRY OF JUSTICE, THAT USG WILL PROVIDE AN EXPANDED READ- OUT OF THE FLIGHT DATA RECORDER FROM JORDANIAN 707 ACCIDENT. READ- OUT WILL COVER LAST TWO MINUTES OF FLIGHT. THE TRANSCRIPT OF THE COCKPIT VOICE RECORDER WILL BE SUPERIMPOSED ON THE EXPANDED READ- OUT AND CORRELATED WITH TIME. BOEING WILL ANALYZE THIS EXPANDED READ- OUT AND SUBMIT REPORT TO NTSB. HOLSTINE AND PIPER WILL RETURN LAGOS WITH THE FOREMENTIONED DATA AND REPORT APRIL 30. REQUEST EMBASSY OBTAIN COMMITMENT FROM JUDGE BELLO THAT THIS DATA CAN BE PRESENTED INFORMALLY IN MEETING WITH JUDGE AND ATTORNEYS FOR INTERESTED PARTIES WHERE ALL QUESTIONS WILL BE ANSWERED BY HOLSTINE AND PIPER. FOLLOWING MEETING DATA WOULD BE FORMALLY PRESENTED TO THE COURT. SUCH ACTION SHOULD PRECLUDE CROSS- EXAMINATION OF HOLSTINE OR PIPER.

2. WE SUSPECT JUDGE BELLO' S INSISTANCE ON PUBLIC

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TESTIMONY AND CROSS- EXAMINATION OF HOLSTINE REFLECTS INFLUENCE OF UK PRACTICE IN SUCH PROCEEDINGS WHEREBY GOVERNMENT EXPERTS TESTIFY FREELY AS TO INTERPRETATION, ANALYSIS, OF DATA AND CAUSE OF ACCIDENT. HOWEVER, IN THE U. S., NTSB CONSIDERS ITSELF STATUTORILY LIMITED TO TESTIFYING ONLY AS TO THE FACTS SURROUNDING AN ACCIDENT, AND NTSB PERSONNEL MAY NOT TESITFY AS TO THE INTER- PRETATION AND ANALYSIS OF DATA IN RESPECT TO CAUSE.

3. IF JUDGE BELLO AGREES TO PROPOSAL IN PARA 1 ABOVE BUT INSISTS THAT, IN ADDITION, AN EXPERT WITNESS STILL REQUIRED, EMBASSY SHOULD SUGGEST THAT COURT OR INTERESTED PARTIES OBTAIN OWN EXPERT AERODYNAMICIST TO TESTIFY. TIMING SHOULD BE SUCH THAT EXPERT WITNESS WOULD TESTIFY AFTER FORMAL PRESENTATION OF DATA TO RELIEVE HOLSTINE AND PIPER OF FURTHER COMMITMENT. ROGERS

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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